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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,547	03/16/2000	Jose Fedida	JEL-31040	1825

7590 07/18/2002

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EXAMINER

BUI, VY Q

ART UNIT	PAPER NUMBER
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3731

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/526,547

Applicant(s)

FEDIDA, JOSE

Examiner

Vy Q. Bui

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5/15/2002 (Preliminary Amendment).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

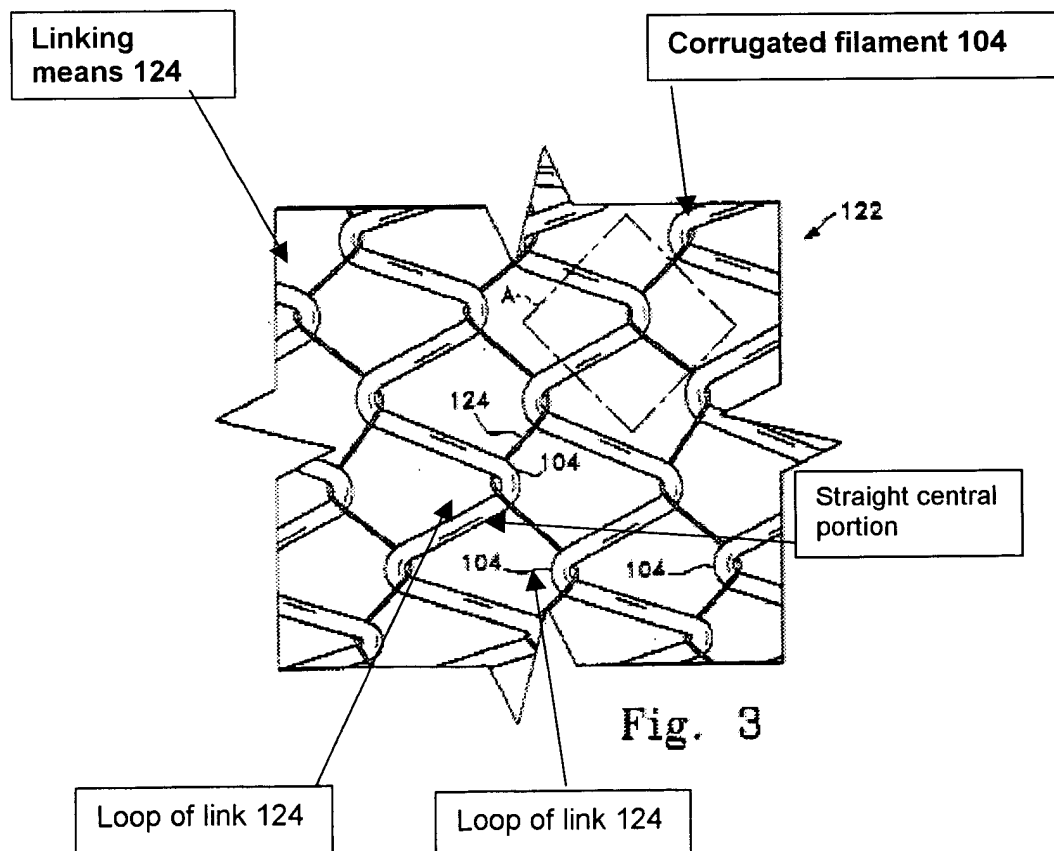
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1-2, 5-6, 8 and 10 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by LAU et al-5,873,906.

LAU et al (Fig. 3 shown below) discloses:



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A/ corrugated filament 104, link 124 having two loops to entrap, with some clearance, two corrugations to link them together (read on claim 1, present invention);

B/ link 124 including a straight central portion and two loops connecting two corrugations which do not lie in a same plane. Said two loops defining two different plans (read on claims 2 and 5, present invention);

C/ at the ends of link 124, at least one closed loop is made to fix link 124 and a corrugation (read on claim 6, present invention);

D/ at least one loop of link 124 is **partially closed** to entrap corrugation 104 (claim 7; present invention).

E/ at least some of the corrugations 104 are zig-zags (claim 8; present invention);

F/ at least one of the link 124 is made of gold or platinum which either is a radiopaque material (claim 10; present invention).

G/ links 210 (**Fig. 9, LAU et al**) arranged longitudinally with respect to cylindrical mesh 206 (read on claim 11, present invention).

H/ stent-graft combination (Figs. 17A-18A) having one impervious envelope (graft) covering stent structure for applications in a human or an animal vascular system to provide through passage (read on claims 12-13, present invention).

Notice that LAU reference (line 66, column 8 to line 2, column 9 and column 14, lines 34-40) discloses the linking means can be made of a single or multiple strand wire of platinum, platinum/tungsten, gold, stainless steel, etc.... On the other hand, as disclosed in lines 14-17, page 9 by the specification of the present invention, linking means in this present invention is also made of metal. Since the material and the dimension of the stent in the present invention and LAU's stent are similar, it is reasonable to consider LAU's linking means is made of rigid piece (of metal). Note that LAU's Fig. 9 also shows linking means 210 which is a rigid piece having two loops joined together, and each loops entraps, with some clearance, a respective one of two corrugations which are to be linked together.

***Claim Rejections - 35 USC § 103***

1. Claims 3-4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LAU et al-5,873,906.

As to claims 3-4, LAU et al reference discloses the claimed invention except for the two configurations of the link as recited in the claims. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the link configurations as claimed as these two configurations are just two obvious variations for linking two corrugations together.

As to claims 9 and 14, LAU et al reference discloses the claimed invention except for hexagonal opening mesh and a turned-back region at least at one of the ends of the stent. Hexagonal opening mesh is well-known in stent art, and stent having graft having a turned-back section at one end or two ends of the stent is well-known in the art. It would have been obvious to one of ordinary skill in the art to modify LAU et al 's stent-graft to have the features as claimed.

2. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over LAU et al-5,873,906 in view of GOICOECHEA et al (5,609,627)

As to claim 15, LAU et al reference substantially discloses the claimed invention except for the links as recited in the claim. However, GOICOECHEA (Fig. 4B-4F; column 4, lines 37-39) discloses different equivalent links including loops, rings, and especially staples of Nitinol wire as shown in Fig. 4F, which meet the limitations in the claims. In view of GOICOECHEA, it would have been obvious to one of ordinary skill in the art to modify LAU et al 's stent-graft to have the staple links with features as claimed.

As to claim 16, GOICOECHEA (Fig. 4B-4F; column 4, lines 37-39) discloses stent structure 10 of nitinol wire wound around mandrel 46 to form two corrugation parts disconnected to each other and joined together by staple links. In view of GOICOECHEA, it would have been obvious to one of ordinary skill in the art to modify LAU stent-graft to have the staple links with features as recited in claim 16.

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As to claim 17, GOICOECHEA (Fig. 1A) discloses stent structure 10 of nitinol wire having closed sections. In view of GOICOECHEA, it would have been obvious to one of ordinary skill in the art to modify LAU stent-graft to have the staple links with features as recited in claim 17.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is (703) 306-1382.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Milano, can be reached at (703) 308-2496. The fax number for this Unit is (703) 308-2708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at (703) 308-0858.

VQB Vb  
7/12/2002.

  
**DAVID O. REIP**  
**PRIMARY EXAMINER**